

III. Contents of an Application

1.a. Legal Name and Street Address

List the legal name and mailing address of the applicant's corporation or other legal entity with direct control over use of the radioactive material; a division or department within a legal entity may not be a licensee. An applicant corporation or other legal entity must be specified by legal name as registered with the Nebraska's Secretary of State (402)471-4079. An individual may be designated as the applicant only if the individual is acting in a private capacity and the use of the radioactive material is not connected with employment in a corporation or other legal entity.

Response from Applicant:

Provide the mailing address where correspondence should be sent. This may or may not be the same as the address at which the material will be used as specified in Item 1(b).

Note: The Agency must be notified in the event of change of ownership or control and bankruptcy proceedings; see below for more details.

Timely Notification of Change of Ownership or Control:

Regulations: 180 NAC 3-016.02.

Criteria: *Licensees must provide full information and obtain the Agency's prior written consent before transferring ownership or control of the license, or, as some licensees call it, "transferring the license."*

Changes in ownership may be the results of mergers, buyouts, or majority stock transfers. Although it is not the Agency's intent to interfere with the business decisions of licensees, it is necessary for licensees to obtain prior Agency written consent. This is to ensure the following:

- Radioactive materials are possessed, used, or controlled only by persons who have valid Agency licenses;
- Materials are properly handled and secured;
- Persons using these materials are competent and committed to implementing appropriate radiological controls;
- A clear chain of custody is established to identify who is responsible for final disposal of the gauge(s); and
- Public health and safety are not compromised by the use of such materials.

Response from applicant: None from an applicant for a new license; Appendix H identifies the information to be provided about changes of ownership or control.

Notification of Bankruptcy Proceedings

Regulation: 180 NAC 3-017.05

Criteria: *Immediately following filing of voluntary or involuntary petition for bankruptcy for or against a licensee, the licensee must notify the Agency in writing, identifying the bankruptcy court in which the petition was filed and the date of filing.*

Even though a licensee may have filed for bankruptcy, the licensee remains responsible for all regulatory requirements. The Agency needs to know when licensees are in bankruptcy proceedings in order to determine whether all licensed material is accounted for and adequately controlled, and whether there are any public health and safety concerns (e.g., contaminated facility.) The Agency shares the results of its determination with other involved entities (e.g. trustee), so that health and safety issues can be resolved before bankruptcy actions are completed.

Response from applicant. None at time of application for a new license.

1.b. Street Address at Which Radioactive Material Will Be Used and/or Stored, If Different From 1a.

Response from Applicant:

Identify by street address any facilities or places of radioactive material use and/or storage other than described in Item 1.a. Do not list an address by post office box as this will not be sufficient for Agency inspector to find the storage location.

Most applicants need to provide two types of information in response to Item 1b:

- Description of storage, use, and dispatch locations
- Specification of whether they intend to use the portable gauge at temporary job sites

The Agency does not consider long-term storage in vehicles or personal residences not listed on the license an acceptable practice. The license applicants should also include a description of those locations, such as personal residences where portable gauges may be stored by licensee staff for dispatch to customer sites.

An Agency approved license amendment is required before receiving, using, and storing licensed material at an address or location not included with the application or already listed on the license.

Being granted a license by the Agency does not relieve a licensee from complying with other applicable Federal, State, or local regulations (e.g. local zoning requirements for storage locations.)

Note: As discussed later under "Financial Assurance and Record keeping for Decommissioning," licensees need to maintain permanent records on where licensed material

was used or stored while the license was in force. This is important for making future determinations about the release of these locations for unrestricted use (e.g., before the license is terminated). For portable gauge licensees, acceptable records are sketches or written descriptions of storage or use locations specifically listed on the license. Licensees do not need to maintain this information for temporary job sites where sources have never leaked.